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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,190	03/29/2001	Martin A. Kenner	56096US002	4518

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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/821,190

Applicant(s)

KENNER ET AL.

Examiner

Ramy M. Osman

Art Unit

2157

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 1/20/2006 have been fully considered but they are not persuasive.

1. Applicant argues the 112 first paragraph rejection of claims 5,27 and 35, because "a typical consumer-user of the Internet does not have an IP address" and therefore "... the identity of a user who access a web site is unknown to the web site".

In reply, this argument is incorrect because any device on a network (i.e. Internet) must have an IP Address in order for it to communicate with any other device on the network. This is the basis of the Internet Protocol, which specifies that data (an IP packet) sent over a network must contain source and destination IP addresses. It is irrelevant from where a "typical consumer-user" gets their IP address from. They can get it by either applying for one (as stated by applicant) or they can get it via their ISP which assigns them one. Either way they have an IP address and either way they can be identified by it. The specification is silent as to how the invention masks or anonymizes this address. Therefore the "without identifying" feature, as mentioned in the claims, is not enabled.

2. Applicant argues that Mano (US Patent No 5978807) does not teach claim 1 and does not disclose "that notice is automatically displayed to the user that a web page has been received".

In reply, Mano discloses displaying the downloaded information which inherently notifies the user that a web page has been received (see column 5 lines 27-35 and column 6 lines 20-25). The claim is broad and broadly interpreted in this manner. Applicant fails to detail the features of this notice.

3. Applicant argues that Mano does not teach claim 32 and does not disclose "sending a message to the computer that the web page is not new".

In reply, Mano teaches that only the latest version of the web page is saved. Therefore if the web page is not the latest version, then it will not be saved and the user will notice this when he views the previously downloaded page and sees that it has not changed (column 5 lines 15-25). Applicant has not detailed the characteristics of the message and therefore it is broadly interpreted in this way.

4. Applicant argues that Mano does not teach claims 12,36 & 13,37 and does not disclose that the "web page is displayed behind an active session when it is downloaded." and also "that a notice is displayed even if a session is active".

In reply, the "session" here is broadly interpreted to be all the interactions involved in downloading a web page. And so the web page is displayed behind this interaction when the user access it (column 6 lines 20-25). The claims are broad and the applicant has failed to detail the properties of the "session".

5. Applicant argues that Lynch (US Patent No 6963908) does not teach claim 18 and does not disclose that files etc. "stored at the web site and downloaded to the user, are posted on a web page of the web site" and also that the files "are received without receiving a whole web page".

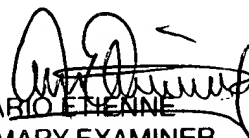
In reply, Lynch teaches that the data is initially stored on the web site, which therefore means that the data is posted on the web site for viewing. The claims are broad and the limitation "posted" is broad and can be broadly interpreted this way. Lynch also teaches displaying a list for the user to select from, which is considered as a web page for the user to select from. the user selects some data from this web page (the user can select some or all of the whole page) and then receives what was selected (column 11 line 65 - column 12 line 20 and column 12 line 57 - column 13 line 15).

6. Applicant argues that Lynch does not teach claims 19 and 21, and does not disclose "providing a notice that the posted content has been received in response to the request".

In reply, Lynch teaches displaying data. Displaying data is interpreted to be equivalent to a notice since when data is displayed it inherently notifies a user of its presence.

7. Applicant notes no rejection for claim 45.

In reply, claim 45 is similar to claims 1 and 32 and is rejected based on the same rationale given for claims 1 and 32 as mentioned above and in office action dated 11/21/2005.


ARJO ETIENNE
PRIMARY EXAMINER